

Exhibit “II” to Amended Verified Petition

New York State Department of Environmental Conservation

Division of Mineral Resources, Region 3

21 South Putt Corners Road, New Paltz, New York 12561-1696

Phone: (914) 256-3027 • FAX: (914) 255-4659

Website: www.dec.state.ny.us



John P. Cahill
Commissioner

CERTIFIED Z 485 978 372/RR

August 6, 1999

Mr. Leon Mehl
Mehlon Trucking
557 Rock Cut Road
Walden, New York 12586

RE: NOTICE OF VIOLATION
DEC #3-3342-22/5
MLR #3023-32-0195

Dear Mr. Mehl:

To date, the Department has not received a response to the Notice of Incomplete Application for the renewal of the Mined Land Reclamation Permit for the 10+ acre shale mine on Kings Hill Road in the Town of Montgomery.

As you are aware, the permit expired on January 28, 1986 and the Department has made numerous attempts to assist you in bringing the site into compliance with the Mined Land Reclamation Law. At this point the Department has determined that your actions and failure to respond have constituted abandonment of a mine, a violation of 71-1305(3) of the Environmental Conservation Law and Section 422.3(c) of 6 NYCRR 422.3.

Consequently, the Department will be preparing an Order on Consent to address the violation, remedial action and imposition of penalties. Please be advised that the civil penalties for violations of the Mined Land Reclamation Law are a maximum of \$5,000 per violation and an additional penalty of \$1,000 per day for each day in which the violation continues.

If you have any questions regarding this matter, I can be reached at 256-3027.

Very truly yours,

Robert Martin
Mined Land Reclamation
Specialist 2 - Region 3

RM:kc

cc: Al Ciesluk

Katherine Hudson